

ELECTRONIC REGULATORY FILING (ERF)

Frequently Asked Questions

General Information

1. What filing formats will be accepted for electronic documents?

The PSC requires that documents be filed in Adobe Acrobat PDF format.

Documents should be converted to PDF directly from the native format using PDF Distiller. Documents should not be scanned or created using PDF Writer, as these files can be quite large and are not searchable. Documents presented in this fashion preserve all page breaks and line breaks, which is essential for testimony and exhibits.

PSC Staff may request that documents such as spreadsheets, databases, maps and photographs be e-mailed to staff in their native format (Excel, Access, Arc View, TIF, etc.). In some instances, the PSC staff may also request that certain word processing files be e-mailed in their native format to allow for easier sharing of text and formatting between documents.

2. Will there be document naming standards?

No. The document name must be less than 256 characters long, but what you name the document depends entirely on your internal standards. It is recommended that customers develop good internal naming standards (for example, require that the document name provide information about the nature of the document, such as document type and case number), so that you can better track and manage your documents.

3. What means of filing will be acceptable for electronic documents?

The Commission highly recommends that electronic documents be filed using the web-based program that is available on the PSC's web site. In rare instances the Commission may choose to accept filings by e-mail, diskettes or CDs.

4. Does the PSC need a paper copy of documents filed electronically?

No. Please do not follow-up an electronic filing with a redundant paper copy of the same document(s). The electronically filed document will be considered the official copy of the document.

5. Once this system is fully implemented, will the PSC reject paper filings?

Yes and no. The PSC recognizes that the ability to generate electronic filings will not be universally available to all parties in every case. During the pilot phase and the first year of full implementation, paper filings will be scanned by the PSC's Records Management staff and converted to an electronic format compatible with other documents in the system; however, the PSC does not have the resources to do this for all filings. Initially, at least the larger utilities, consultants, most public intervenors and law firms are expected to convert

documents themselves. Eventually, it is expected that all formal case participants will be capable of converting their filings in a cost-effective manner.

A major focus of this system is to better serve our customers by quickly making documents available through the PSC's web site. Documents which are received in electronic format will be made available on the web much sooner than documents which are not.

6. How will we change the official filing deadlines to accommodate electronic documents?

The official filing date of documents will not be affected. The web-based system will record a date/time stamp when each file is uploaded to the PSC's website. Electronic or paper documents received through other means will be subject to the same deadlines as they are today, and will be time stamped based upon the time of arrival at the Commission.

7. What will happen if deadlines are missed due to technical problems?

As with current paper filings, appeals due to missed deadlines are decided by the Commissioner's Office. The purpose of the pilot will be to uncover and correct problems with the software or the process that may cause missed deadlines. Particularly during the pilot, the PSC will consider problems introduced by the technology and will likely be more flexible concerning deadlines missed due to such problems.

8. How will customers filing electronic documents be notified that their filing has been received and accepted by the PSC?

The web-based system will provide an immediate confirmation when the upload of a document has been successful. Once the document has been reviewed, the PSC Records Management staff will send a confirming e-mail to the filer identifying that the document has been accepted (or rejected) before the document is made available on the Commission's Internet web site.

9. How will case numbers be assigned to new application filings?

Case numbers will be assigned in much the same manner as they are now. The PSC's Records Management (RM) staff will review the filings in the "holding area" on the web site and will determine when a new application has been filed. The new filing will be entered into the PSC's Case Management System and the docket number and title will be assigned at that time. RM staff will attach the docket number to the document(s) and publish it to the web site like any other case-related document.

10. How soon will documents be available on the PSC web site after filing?

Documents will be available on the web as soon as Records Management staff review and accept them. Documents that are submitted late on a Friday, for example, may not be reviewed until Monday morning or later.

11. Will existing and closed cases be converted to electronic format?

Closed cases will not be converted. Open cases that began under paper filing will be considered on a case-by-case basis, primarily dependent upon the number and size of documents already filed, but, in general, this system will be implemented on a “going forward” basis.

Customers

12. How does a customer get authorization to file electronic documents?

The system has been developed to allow for two classes of customers: individual and corporate.

All that is required for an individual customer is that the individual create a user account on the PSC web site, and identify themselves by answering several questions when setting up their account.

Corporate accounts have been developed to allow an organization (*e.g.*, utility, law firm, intervenor) to identify users who are authorized to file on their behalf. Corporate entities will be able to manage their own users using a corporate account. This is a service offered to corporate entities to allow them greater security in identifying authorized filers, but such entities will not be required to identify corporate accounts if individual accounts are satisfactory to them.

13. Is there a limit to the number of persons for a particular organization that will be authorized to submit files electronically?

No. The only limit will be how many accounts the corporate entity wishes to manage at any given time.

14. Will law firms be able to file on behalf of utilities?

Yes. Employees of law firms can set up individual accounts like anyone else; the law firm may set up corporate accounts for their own firm; or the utility may set up a corporate account for an employee of another firm authorized to file on their behalf. Since an employee of a law firm may conduct business on behalf of many utilities, it is recommended that the firm set up and manage the corporate accounts for their employees rather than the utility, as it may be confusing for an employee of such a firm to juggle many user accounts, one for each utility he or she works with.

15. Will electronic filing be required of all parties wishing to participate in PSC formal cases?

Ultimately, yes, that is the intention of the Commission staff. A pilot program will be conducted during the latter half of 2003 in which a couple of cases will try out the new process. The intention is to move toward major implementation of the system as of January 1, 2004, with full-scale implementation expected by January 1, 2005. PSC staff will expect that all major utilities and their law firms be prepared to file documents exclusively in electronic form by January 1, 2004,

and that almost all parties to these formal cases be capable of doing likewise. For smaller municipal utilities, electronic filing will be voluntary until January 1, 2005, at which time it is expected to become mandatory for these cases as well.

16. Which cases will be included in the first major implementation phase?

Our intention is that each industry will work with the appropriate Commission staff to determine what cases are most easily adapted to electronic regulatory filing. Those cases or case types identified will be implemented on January 1, 2004.

Filing Documents

17. What kinds of documents will be accepted electronically?

Any documents associated with a formal case will be accepted electronically. Those documents filed by the public that are not filed in electronic form will be scanned into PDF format by Commission staff and entered into the Document Repository.

18. How will exhibits be handled in the process, particularly if they are not submitted in electronic form?

Most pre-filed exhibits should be filed in electronic form. Those exhibits filed during the proceeding that have not been pre-filed should be offered in electronic form consistent with the other process requirements within 5 days of the presentation of the exhibits at the hearing. Those exhibits that cannot easily be reduced to electronic form will be allowed to be presented upon consent of the administrative law judge. The PSC will provide facilities in its hearing room for filing and viewing electronic documents while hearings are in progress at the PSC.

19. What happens when multiple items are included in a filing?

Each item in a filing should be filed as a separate document (*e.g.*, application, testimony, exhibit).

20. Will transcripts be included in the system and available online?

This is unclear at this time. As transcripts are contracted out to a third party, this will have to be negotiated, particularly if there are fees involved. It is our intention to eventually include transcripts in the electronic case file.

21. Will the PSC continue to mail Orders and Notices?

Yes, although there will be options where users may receive these by e-mail if desired.

Viewing Documents

22. How will documents be accessed by PSC customers?

The preferred means of accessing documents will be by internet browser through the PSC web site, either through a direct search or by subscription. Parties to a case will still be sent copies of the documents as required by rules of service, although, if agreed to among the parties, this may be accomplished by e-mail. Customers will still be able to call the PSC and request paper documents.

23. What kinds of search capabilities will exist to find documents?

Customers will be able to enter a variety of search criteria to find the documents they need. For example, you will be able to search on utility number or name, formal case number, case type, document type, or specified keywords.

Customers will also be able to access documents by case number through the existing Case Management portion of the PSC web site.

24. How will subscriptions work?

Customers will be able to set up a variety of possible searches, based on utility, industry type, document type, case type, or full case number. On a nightly basis, the system will search the database for any new documents that match the specified criteria. When matching documents are found, an e-mail will be generated to the subscribing customer with links to each matching document.

Software Requirements

25. Will special software be required for generating electronic documents?

Adobe Acrobat 6.0 Standard is the minimum level of the Acrobat family currently available that will produce PDF files from your documents. This product is sold by Adobe for a cost of \$299 for the first copy, \$99 for an upgrade. You will also need an internet connection and a current browser (Microsoft Internet Explorer, version 5.0 or above recommended). To purchase the software on-line, go to adobe's web site at: (<http://www.adobe.com/products/acrobatstd/main.html>).

26. Will special software be required to view electronic documents on the PSC web site?

PDF documents can be viewed with a free download of Adobe Acrobat Reader. You will also need an internet connection and a current browser (Microsoft Internet Explorer, version 5.0 or above recommended). The free Acrobat Reader can be downloaded at: (<http://www.adobe.com/products/acrobat/readstep2.html>).

Costs

27. How much will it cost a utility to be able to file electronically?
There are no added charges by the PSC for filing electronically. The only cost to the customer will be for any added software needed to generate and file the documents (see above, question 26)
28. Will there be a cost to view documents online?
Documents will be available to all customers online at no charge. If interested customers do not have a computer with internet access, free access is provided at most public libraries and at the PSC.

Legal issues

29. Will the electronic version be the official filed copy or will redundant paper copies be required, too?
It is the intention of Commission staff that the electronic version be the official filed copy of the filing. No paper documents will be required of filers; indeed, the filing of paper documents will be intentionally discouraged except where absolutely necessary.
30. What about filings that require verification under oath, attestations or notarization?
In general, Commission staff believes that there will be very few filings requiring this kind of verification. Where it is necessary, the filer can prepare a cover letter with the attestations, sign it and send a scanned version of the letter in PDF format.
31. Will we require that parties use electronic service to file documents with each other?
No, not immediately. Current law requires “personal service” of documents in some instances. These laws are subject to change and certain changes may be considered that may alter this requirement. Parties to a particular case are free to work with the PSC’s Hearing Examiner to agree to electronic service on a case-by-case basis. The PSC staff will be open to such an option where appropriate.
- The PSC will not be a proxy server and provide electronic service in a case. Parties may subscribe to filings for a case from the PSC web site, but this notification by e-mail will not constitute official service.
- To better facilitate electronic service among parties, the PSC will consider including e-mail addresses in Service Lists on the PSC web site.

Confidential Documents

32. How will the PSC safeguard confidential documents filed electronically?
Confidential documents will be uploaded via a separate web-based application that will ask for justification for confidential treatment of data, analogous to the

current confidential “blue sheet.” Data entered via this application will be encrypted and protected using Secure Sockets Layer (SSL) technology.

Once confidential documents are accepted at the PSC, they will be stored separately from other documents and restricted to authorized PSC employees. Access to these documents will be automatically logged by the database.

33. Does the customer still have to file a public copy of a confidential document?
Yes, a public copy is still needed. After the customer files the confidential document, the system will generate a control number identifying the confidentiality request. It is helpful to Commission staff if this control number is included with the matching public document so that the two documents can be cross-referenced.